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Attorney Docket P1176R1C1
PATENT

EV 351 926 658: Express Mail Number

July 28, 2003: Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22240 U.S. PTO
10/628770
07/28/03

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

**Arnold J. Levine, New York, New York
Diane Pennica, Burlingame, CA**

Title: **POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME**

1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to application Serial Number 09/182,562, filed October 29, 1998, the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)
(Non-provisional)**

70 pages of specification
6 pages of claims
1 pages of abstract
23 sheet(s) of drawings
☒ formal ☐ informal

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
____ An executed declaration of the inventor(s) ☒ is enclosed ☐ will follow.

☒ *(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*
A copy of the executed declaration/oath filed in the prior application is enclosed

(37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

— A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)

— An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

(for cont./div.)

X The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

— Cancel in this application original claims __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

— A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$750.00
Total Claims	43	- 20 =	0	X \$18.00	\$0.00
Independent Claims	17	- 3 =	0	X \$84.00	\$0.00
— Multiple dependent claim(s), if any				+ \$280.00	\$0.00
Filing Fee Calculation					\$ 2364.00

7. Method of Payment of Fees

X The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$.2364.00
A duplicate copy of this transmittal is enclosed.

8. Authorization to Charge Additional Fees

X The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
☒ Submission of "Sequence Listing", paper copy, certificate re: sequence listing, Letter and Request to Use Computer-Readable Sequence Listing under 37 CFR §1.821(e) and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
☐ A new Power of Attorney or authorization of agent.
☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
X A copy of the petition for extension of time in the **prior** application is attached.

11. Correspondence Address:

X Address all future communications to:

Attn: Diane L. Marschang

Respectfully submitted,
GENENTECH, INC.

Date: July 28, 2003

By: Diane L. Marschang
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416



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PATENT TRADEMARK OFFICE
#138306

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Levine et al. Serial No.: 09/182,562 Filed: October 29, 1998 For: POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME</p>	<p>Group Art Unit: 1642 Examiner: A. Holleran</p> <hr/> <p style="text-align: center;">CERTIFICATE OF EXPRESS MAILING</p> <p>Express Mail Number: <u>EV 351928441 US</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450"</p> <p style="text-align: right;">July <u>28</u>, 2003 <i>Diane L. Marschang</i> Diane L. Marschang</p>
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PETITION AND FEE FOR FOUR MONTH EXTENSION OF TIME
(37 CFR 1.136(a))

Mail Stop AFTER FINAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal and Petition to Extend Time, for the above referenced application, was mailed on January 28, 2003, setting the time for filing an appeal brief on March 28, 2003. Applicants petition the Commissioner of Patents and Trademarks to extend the time for response for four (4) months from March 28, 2003 to July 28, 2003. The extended time for response does not exceed the statutory period.

Please charge Deposit Account No. 07-0630 in the amount of \$1,450.00 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

Respectfully submitted,
GENENTECH, INC.

Date: July 28, 2003

By: *Diane L. Marschang*
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416



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